

### **REMARKS**

Claims 1-25 are in the application. Claims 26-42, which were the subject of a requirement to restrict and were previously withdrawn without prejudice, are cancelled without prejudice or disclaimer of the subject matter. Claims 1 and 13 are independent. Claims 1-6, 8-11, 13-18, 20-22 and 25 have been amended. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claims 1, 2, 6, 8, 13, 14, 18, 20 and 25 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Without conceding the correctness of the rejection, Claims 1, 2, 6, 8, 13, 14, 18, 20 and 25 are amended. Reconsideration and withdrawal of the § 112, second paragraph rejection are respectfully requested.

By way of a non-limiting example and in accordance with one or more embodiments, an ingest queue server, e.g., ingest queue server 926 of Figure 10 of the present application, is located at a central site and directs movement of a file ingested by an ingest server, e.g., ingest server 908, based on identifying information associated with a client, e.g., client 102, that uploads the content to ingest server 908. A file management server, e.g., file management server 907, reads the client's uploaded content from ingest server 908, and moves it to a storage server, e.g., storage server 906, as directed by ingest queue server 926. The storage server 907 can be located at a specific site, e.g., a site identified for client 102, such as a primary site of the client that is in geographic proximity to end users of client 102, as identified by the client identifying information. By way of a further non-limiting example, one or more streaming media servers, e.g., media servers 920, can read the content from the storage server 907 at the primary site identified for client 102, and serve the content to users.

Claims 1, 2, 6, 8, 11-14, 18, 20, 23 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2001/0034786 (Baumeister) and U.S. Patent No. 6,970,939 (Sim); Claims 3, 4, 7, 9, 15, 16, 19, 21 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and U.S. Patent No. 6,006,264 (Colby); Claims 5 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and U.S. Publication No. 2002/0019823 (Layeghi); Claims 10 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and U.S.

Publication No. 2002/0120577 (Hans). Reconsideration and withdrawal of the rejections are respectfully requested for at least the following reasons.

Claim 1 recites a system comprising one or more remote sites, each remote site having client content providers, the remote site comprising one or more first servers storing digital content of a client content provider. An ingest server ingests the digital content of the client content provider. One or more ingest queue servers from a central site geographically remote from the remote site direct transfer of the ingested digital content from the ingest server to the one or more first servers based on information identifying the client content provider of the ingested digital content. The remote site further comprises at least one media server that provides at least a portion of the stored digital content to the user in response to a user request. The system's central site comprises the one or more ingest queue servers that direct transfer of the client content providers' digital content ingested by the ingest server to the one or more first servers based on the information identifying the client content provider of the ingested digital content.

It is respectfully submitted that the applied art fails to disclose one or more remote sites, each remote site having client content providers, the remote site comprising an ingest server ingesting digital content from a client content provider, one or more first servers storing the ingested content, and at least one media server providing at least a portion of the stored digital content to the user in response to a user request, and further fails to disclose the claimed central site geographically remote from the remote site, and the one or more ingest queue servers of the central site that direct the transfer of digital content ingested by the ingest server to one or more of the first servers based on the information identifying the client content provider of the ingested digital content, as recited in Claim 1.

As best understood, the Examiner considers that stream server 1 and 2 of Figure 3 of Baumeister correspond to the claimed one or more first servers, and that the FTP server of Figure 3 of Baumeister corresponds to the claimed ingest server. It is not clear from the Office Action whether the Examiner considers Baumeister's stream server 1 and 2, Baumeister's stream server portal, or some other component of Baumeister, to correspond to claimed ingest queue server (see the first two lines and the second full paragraph at page 7 of the Office Action). At line 1 of

page 7, the Office Action's parenthetical states: "(see stream server in fig. 3 different than stream)". The Applicant respectfully requests clarification as to which component of Baumeister the Examiner considers to correspond to the claimed ingest queue server and clarification of the parenthetical at line 1 of page 7 of the Office Action, should the Examiner maintain the rejection.

Baumeister's system for streaming media data in heterogeneous environments shown in Figure 3 of Baumeister differs significantly from the subject matter of claim 1. Baumeister's system focuses on streaming content from one of its stream servers 1 and 2 to a media player using a stream server portal to select one of stream servers 1 and 2. Baumeister fails to disclose or even to suggest the claimed ingest queue server; nothing in Baumeister, including Baumeister's stream server 1, stream server 2 and stream server portal, corresponds to the claimed ingest queue server. According to the system architecture shown in Figure 3, Baumeister's stream servers 1 and 2 each have a stream server controller that directs transfer of media content to itself from an FTP/data server when the stream server controller's cache does not include the media content. This is in stark contrast to the claimed ingest queue server at a central site that is geographically remote from the remote site that directs transfer of ingested digital content from the remote site's ingest server to the remote site's one or more first servers. Additionally, according to Baumeister, its stream server portal selects stream server 1 or stream server 2, and the selection is based on each one's ability to stream the type of media, the cache content of each one's stream server controller, each one's current utilization, each one's locality to the media player that requested the content, and information that it received from the media player, i.e., the address information of the media data, the media player/stream server type, security information or client information (see Figure 4 and ¶¶ 38, 40, 45 and 46 of Baumeister). This is much different from the claimed ingest queue server that directs transfer of a client content provider's digital content ingested by an ingest server to one or more first servers based on information identifying the client content provider of the ingested digital content. Additionally and in further contrast, the claimed ingest queue server is located at a central site and directs transfer of ingested digital content to one or more first servers located at a remote site based on information identifying the client content provider of the ingested digital content, while

server 1's (or server 2's) stream server controller directs Baumeister's FTP/data server to transfer media content to itself, i.e., the stream server controller, based on whether or not the content is already stored in the stream server controller's cache (see ¶ 41 of Baumeister). In further contrast, Baumeister's stream server controller, which is part of Baumeister's stream server 1 (or stream server 2), directs transfer of media content to itself based on whether or not it has the media content stored in its cache; while the claimed ingest queue server is from a central site geographically remote from the remote site, and directs transfer of digital content ingested by the remote site's ingest server to the remote site's one or more first servers that store the ingested digital content based on information identifying the client content provider of the ingested digital content.

Furthermore, at ¶ 40, Baumeister describes that the stream server controller of stream server 1 (or stream server 2) initiates streaming of the media data and returns the media data to the media player via the stream server portal, and Figure 3 of Baumeister shows a stream server portal, stream servers 1 and 2, each consisting of a stream server controller and a stream server, an FTP/data server and application servers 1 and 2. Baumeister's fails to disclose the claimed media server at the claimed remote site that provides at least a portion of a client content provider's digital content, which was ingested by the ingest server and stored by the one or more first server, to the user, fails to disclose the remote site that includes the claimed ingest server, the claimed one or more first servers and the claimed at least one media server, fails to disclose the claimed central site that comprises the claimed one or more ingest queue servers, and further fails to disclose the claimed central site and claimed one or more ingest queue servers that are geographically remote from the claimed remote site. In addition, Baumeister's stream servers 1 and 2 are each used in Baumeister to cache content and stream the cached content to Baumeister's media player. In contrast, the claimed one or more first servers store digital content and the claimed media server provides at least a portion of the stored digital content to the user.

For at least the reasons set forth above, Baumeister clearly fails to disclose one or more remote sites, each remote site having client content providers, the remote site comprising an ingest server ingesting digital content from a client content provider, one or more first servers storing the ingested content, and at least one media server providing at least a portion of the

stored digital content to the user in response to a user request, and further fails to disclose the claimed central site geographically remote from the remote site, and the one or more ingest queue servers directing the transfer of ingested digital content from the ingest server to one or more of the first servers based on information identifying the client content provider of the ingested digital content, as recited in Claim 1.

Sim fails to remedy the deficiencies noted with respect to Baumeister, and further fails to teach, suggest or disclose a system that comprises a central site geographically remote from the remote sites that comprises one or more ingest queue servers, the central site's one or more ingest queue servers directing transfer ingested digital content from an ingest server that ingests a client content provider's digital content to one or more first servers that store the ingested digital content based on information identifying the client content provider of the ingested digital content. Sim describes a content management server that receives content uploaded from a client, breaks the received content down into tracks and then issues a command that is distributed to distribution servers in the network so that each distribution server that receives the command can determine whether or not it should have the content. In contrast, Claim 1 requires a remote site that comprises an ingest server, one or more first servers and a media server and an ingest queue server at a central site that directs transfer of digital content ingested at a remote site to one or more servers of the remote site based on information identifying the client content provider of the ingested digital content.

For at least the reasons set forth above, Sim, like Baumeister, clearly fails to disclose one or more remote sites, each remote site having client content providers, the remote site comprising an ingest server ingesting digital content from a client content provider, one or more first servers storing the ingested content, and at least one media server providing at least a portion of the stored digital content to the user in response to a user request, and further fails to disclose the claimed central site geographically remote from the remote site, and the one or more ingest queue servers directing the transfer of ingested digital content from the ingest server to one or more of the first servers based on information identifying the client content provider of the ingested digital content, as recited in Claim 1.

Baumeister and Sim each fail to teach, suggest or disclose the system of Claim 1, which comprises one or more remote sites, each having client content providers, and a central site, which is geographically remote from the remote site; the remote site comprising one or more first servers, an ingest server and at least one media server; the remote site's ingest server ingests digital content from a client content provider, the central site's ingest queue server directs transfer of the ingested digital content from the ingest server to the one or more files servers, which stores the ingested digital content, and the at least one media server that provides the digital content to a user in response to a digital content user request.

Since Baumeister and Sim each fail to disclose multiple ones of the same claim limitations, Baumeister and Sim cannot form the basis of a proper § 103 rejection. Furthermore and since each of Baumeister and Sim fails to disclose multiple ones of the claim elements, neither Baumeister nor Sim can form the basis of a proper § 102 rejection. In view of the concessions made in the Office Action and the remarks made herein, Claim 1 is believed to be patentably distinct from Baumeister and Sim. Additionally, in view of the concessions made in the Office Action and the remarks made herein, Claim 13 and the claims that depend from Claims 1 and 13 are also believed to be patentably distinct from Baumeister and Sim.

Claims 3, 4, 7, 9, 15, 16, 19, 21 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view Sim and Colby. It is respectfully submitted that the features described above with respect to Claims 1 and 13 from which Claims 3, 4, 7, 9, 15, 16, 19, 21 and 25 depend, respectively, are applicable to this claim as well, and that Colby does not remedy these deficiencies. Therefore, Applicant submits that a combination of Baumeister, Sim and Colby would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Baumeister and Colby is insufficiently presented.

Claims 5 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and Layeghi. It is respectfully submitted that the features described above with respect to Claims 1 and 13 from which Claims 5 and 17 depend, respectively, are

applicable to this claim as well, and that Layeghi does not remedy these deficiencies. Therefore, Applicant submits that a combination of Baumeister, Sim and Layeghi would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Baumeister and Layeghi is insufficiently presented.

Claims 10 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baumeister in view of Sim and Hans. It is respectfully submitted that the features described above with respect to Claims 1 and 13 from which Claims 10 and 22 depend, respectively, are applicable to this claim as well, and that Hans does not remedy these deficiencies. Therefore, Applicant submits that a combination of Baumeister, Sim and Hans would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Baumeister and Hans is insufficiently presented.

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. Additional characteristics or arguments may exist that distinguish the claims over the prior art cited by the Examiner, and Applicant respectfully preserves their right to present these in the future, should they be necessary. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or

credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

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